

Attorney Discipline Board



JOHN F. VAN BOLT
EXECUTIVE DIRECTOR &
GENERAL COUNSEL

SUITE 1200
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DETROIT, MICHIGAN 48226
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NOTICE OF SUSPENSION
(By Consent)

File No. DP 69/85

David A. Maxon, P 17225, 30865 Running Stream, Suite 1,
Farmington Hills, MI 48018 by Attorney Discipline Board Oakland
County Hearing Panel #5.

- 1) Suspension - 120 days;
- 2) Effective October 1, 1986.

The Respondent and the Grievance Administrator executed a Stipulation for Consent Discipline in accordance with MCR 9.115(F)(5) containing the Respondent's offer to submit a plea of nolo contendere to all of the allegations contained in a thirteen Count Complaint filed by the Grievance Administrator. The plea of nolo contendere was accepted by the Attorney Grievance Commission and by the Hearing Panel and, in accordance with the Stipulation, the Panel entered a final Order of Discipline suspending the Respondent's license to practice law for a period of 120 days.

Counts I. through V. of the Complaint charged that the Respondent acted improperly in connection with his retention in 1982 to file a Patent Application, specifically, that he failed to perform the services for which he was retained, failed to communicate with the client, failed to honor a promise to return unearned fees in a timely manner, contacted his former client directly in the matter of the fee dispute without the permission of opposing counsel, attempted to obtain an interest in the invention which was the subject of the representation in exchange for partial refund of the retainer fee, and attempted to condition his agreement to make a partial refund upon the former client's withdrawal of his grievance filed with the Attorney Grievance Commission.

Counts VI. through VIII. charged that in his representation of a second client, the Respondent was retained in 1982 in a Patent Application matter and accepted the agreed upon fee of \$2450. but thereafter failed to communicate with his client until his discharge by the client in April 1984 and failed to provide the services for which he was retained; refused to release the file to his former client's new attorney, claiming additional fees for a Patent Application prepared subsequent to his

discharge; and that Respondent's demand for an additional \$1400. in fees and costs after his discharge by the client contained claims for disbursements which were false.

Counts IX. and X. alleged that the Respondent was retained in 1981 to handle a patent matter for a third client and received the agreed upon fee of \$700. but thereafter failed to provide a copy of patent search to his client, failed to respond to his client's inquiries and attempted to retain an excessive fee in light of his failure to perform the service for which he was retained.

In Counts XI. through XIII. the Complaint alleged that the Respondent failed to advise his clients properly with regard to a Design Patent Application, failed to respond to his client's inquiries as to the status of the Application, failed to take action when the check drawn on his account for the Patent Application filing fee was returned by the Patent Office for insufficient funds, and communicated directly with his former client without the permission of opposing counsel.

The Panel accepted Respondent's of nolo contendere to the charges that his conduct constituted violations of MCR 9.104(1-4)[former GCR 953 (104)] and Canons 1,2,5,6,7 & 9 of the Code of Professional Responsibility, to wit: DR 1-102(A)(3-6); DR 2-106(A); DR 5-103(A); DR 6-101(A)(1-3); DR 7-101(A)(1-3), DR 7-104(A)(1) and DR 9-102(B)(4). Costs were assessed in the amount of \$482.32. The Respondent will not be eligible for reinstatement until he has established the criteria set forth in MCR 9.123(B) by clear and convincing evidence to the satisfaction of a hearing panel.



John F. VanBolt

Dated: OCT 3 1986